

Appl. No : 10/647486  
Filed : August 25, 2003

#### REMARKS

With this Amendment, Claims 1-15 are pending in the present application, and Claims 16-25 are canceled without prejudice. Applicant reserves the right to pursue the subject matter of the canceled claims in subsequent continuing applications.

#### Information Disclosure Statement

The Examiner asserted that the information disclosure statement filed November 28, 2003 fails to comply with 37 C.F.R. § 1.98(a)(2), because copies of foreign references were not enclosed. However, as indicated in the IDS filed November 28, 2003, all of the references cited therein "were previously disclosed to or cited by the Patent and Trademark Office in the prosecution of one or more of the Applications on which the above-identified application relies for an earlier filing date under 35 U.S.C. §120. The above-identified application is a continuation of U.S. Patent Application Serial No. 08/871,300 filed June 9, 1997, which is a file wrapper continuation of U.S. Patent Application Serial No. 08/540,016, filed October 6, 1995. *Copies of the references are not submitted pursuant to 37 C.F.R. §1.98(d).*" (emphasis added). Therefore, the IDS complies with the requirements of 37 C.F.R. § 1.98, and Applicant respectfully requests consideration of all the references cited therein. However, for the Examiner's convenience, copies of the unchecked references (i.e. IT647,072 and ValuGuide No. 10.5A) are enclosed herewith.

#### Specification

Applicant appreciates the Examiner's reminder regarding the proper language and format for an abstract of the disclosure. Applicant has amended the abstract as indicated above. If the Examiner has more specific concerns regarding the abstract or any other portion of the specification, Applicant respectfully requests that the Examiner call Applicant's representative at the number indicated below in order to resolve such concerns.

#### Obviousness-Type Double Patenting

Claims 1-9 and 13-15 were rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-3 of U.S. Patent No. 6,685,385. Without conceding to the grounds of the rejections, Applicant is filing a terminal disclaimer herewith in order to obviate the obviousness-type double patenting

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rejections. Thus, Applicant submits that Claims 1-9 and 13-15 are in condition for allowance.

CONCLUSION

The undersigned has made a good faith effort to respond to all of the rejections and objections in the present application and to place the claims into condition for allowance. Nevertheless, if any issues remain which can be resolved by telephone, the Examiner is respectfully requested to call Applicant's representative at the number indicated below in order to resolve such issues promptly.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 8/10/04

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